REMARKS

Claims 1-32, 34-46, and 55-63 are pending in the present application. Claims 33 and 47-54 are canceled herein without prejudice. Claims 32, 38, and 45 have been amended. New claims 55-63 have been added. No new matter has been added. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

I. AMENDMENTS

Claim 32 was amended to correct an antecedent basis mistake and to add that "a particular query" was "input by a user." Claim 32 was further amended to provide for:

> utilizing said confluence of portions of said useful data to access one or more additional databases to identify another portion of said useful data, wherein said another portion of said useful data is not directly identified from said plurality of search information vectors, and wherein said utilizing said confluence is performed automatically without additional input from said user.

Support for these amendments can be found at least in original claim 1. Thus, no new matter was added.

Claims 38 and 45 were amended to be consistent with the amendments to claim 32. No new matter was added.

New claims 55-63 have been added to the application. Support for these claims is found at least in paragraphs [0091]-[0128] and Figures 6A-13 of the original specification.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 32, 34-36, 38, and 39 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Publication No. 2002/0107871 to Wyzga, et al. (hereinafter "*Wyzga*").

"A claim is anticipated *only if* each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he *identical invention* must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added).

Claim 32, as amended, requires, "wherein said utilizing said confluence is performed automatically without additional input from said user." This limitation is found in original claim 1. The Examiner has admitted that *Wyzga* does not teach this limitation, but, in his previous Office Action, alleged that *Stack* teaches this limitation. Office Action, pp. 8-9. However, as will be address below, *Stack* does not, in fact, teach this automated utilization. As such, Claim 32 is not anticipated by *Wyzga*, nor is it obvious over *Wyzga* in view of *Stack*. Accordingly, claim 32 is allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejection of claim 32 be withdrawn.

Claims 34-36, 38, and 39 depend from claim 32 and inherit all of the limitations of claim 32. Accordingly, claims 34-36, 38, and 39 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejections of claims 34-36, 38, and 39 likewise be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. §103

In *Graham v. John Deere Co. of Kansas City*, the Supreme Court set out a framework for applying the statutory language of §103. 383 U.S. 1 (1966). The Court stated:

> Under 35 U.S.C. §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *Id.*, at 17–18.

The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. *KSR Int'l Co., v. Teleflex, Inc.*, 550 U.S. _____ (2007).

Patents for obvious combinations must generally be disallowed because a "patent for a combination which only unites old elements with no change in their respective functions . . . obviously withdraws what is already known into the field of its monopoly and diminishes the resources available to skillful men." *Great Atlantic & Pacific Tea Co., v. Supermarket Equipment Corp.*, 340 U. S. 147, 152 (1950). However, when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious. *United States v. Adams*, 383 U. S. 39, 51-52 (1966). Moreover, no holding or doctrine diminishes the necessity of the combined teachings or obvious elements teaching or suggesting each and every limitation of the claimed invention.

A. *Claims 1, 2, 5-9, 11, 15-20, 25, 29, 33, 40, and 42*

Claims 1, 2, 5-9, 11, 15-20, 25, 29, 33, 40, 42, 47-50, and 54 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over *Wyzga* in view of U.S. Patent No. 6,782,370 to Stack (hereinafter "*Stack*").

Claim 1 requires, "wherein said utilizing said at least a portion of said useful data is performed automatically without input from said user to direct access with respect to said at least another database." Claim 32, as amended, requires, "wherein said utilizing said confluence is performed automatically without additional input from said user." Claim 47, as amended, requires, "said communication system further operable to automatically identify data indirectly relevant to said at least one of said information vectors using said data identified as directly relevant to said at least one of said information vectors." In rejecting these limitations, the Examiner explains *Stack*'s search methods for determining how indirectly relevant data is located, as described in Figures 3C-3E. However, the Examiner fails to note where, in *Stack*, it is taught to be an automatic process.

Stack clearly teaches that the system's search for indirectly related data is performed only *in response to* a users' selection of one of the search results. *Stack*, states, "The user may utilize any of these methods to select a particular title. In FIG. 3C, *a user has selected* the title Clear and Present Danger by author Tom Clancy." Col. 3, lns 14-16. Thus, the user is required to select the title, which is presented to the user among the other search results. Accordingly, this search for indirectly related data is triggered by the user's selection one of a title that was presented to the user in a first search. The *Stack* system does not <u>automatically</u> perform a search for recommended

books. Instead, the search for recommended books only occurs after a title is selected by the user. Accordingly, *Stack*, either alone or in combination with *Wyzga* fails to teach each and every limitation of claims 1, 32, and 47, respectively.

Claims 2, 5-9, 11, 15-20, 25, 29, 33, 40, and 42 depend from claims 1, and 32, respectively, and inherit all of the limitations of their respective base claims. Accordingly, claims 2, 5-9, 11, 15-20, 25, 29, 33, 40, and 42 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejection of claim 2, 5-9, 11, 15-20, 25, 29, 33, 40, and 42 be withdrawn.

B. Claims 3, 10, 12, 14, 22-24, 26-28, 30-31, and 43-46

Claims 3, 10, 12, 14, 22-24, 26-28, 30-31, 43-46, 51, and 52 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over *Wyzga* in view of *Stack*, and in view of U.S. Publication No. 2003/0126470 to Crites, et al. (hereinafter "*Crites*").

Claims 3, 10, 12, 14, 22-24, 26-28, 30-31, and 43-46 depend from claims 1 and 32, respectively, and inherit all of the limitations of their respective base claims. As noted above, the combination of *Wyzga* and *Stack* does not teach this limitation. The Examiner offers *Crites* to cure a different deficiency that he admits is missing from the combination of *Wyzga* and *Stack*. However, *Crites* does not, in fact, teach such limitation. Accordingly, claims 3, 10, 12, 14, 22-24, 26-28, 30-31, and 43-46 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejection of claim 3, 10, 12, 14, 22-24, 26-28, 30-31, and 43-46 be withdrawn.

C. Claims 4 and 13

Claims 4, 13, and 53 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over *Wyzga* in view of *Stack*, and in view of U.S. Patent No. 5,485,507 to Brown, et al. (hereinafter "*Brown*").

Claims 4, 13, and 53 depend from claims 1 and 47, respectively and inherit all of the limitations of their respective base claims. As noted above, the combination of *Wyzga* and *Stack* does not teach this limitation. The Examiner offers *Brown* to cure a different deficiency that he admits is missing from the combination of *Wyzga* and *Stack*. However, *Brown* does not, in fact, teach such limitation. Accordingly, claims 4 and 13 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejection of claim 4 and 13 be withdrawn.

D. Claims 21 and 41

Claims 21 and 41 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over *Wyzga* in view of *Stack*, and in view of U.S. Publication No. 2002/0147707 to Kraay, et al. (hereinafter "*Kraay*").

Claims 21 and 41 depend from claims 1 and 32, respectively and inherit all of the limitations of their respective base claims. As noted above, the combination of *Wyzga* and *Stack* does not teach this limitation. The Examiner offers *Kraay* to cure a different deficiency that he admits is missing from the combination of *Wyzga* and *Stack*. However, *Kraay* does not, in fact, teach such limitation. Accordingly, claims 21 and 41 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejection of claim 21 and 41 be withdrawn.

E. New Claims 55-63

Applicant submits that new claims 55-63 are not anticipated by or obvious in view of the references cited in the current Office Action. As noted by the Examiner on page 7 of the Office Action, after being presented with a list of title in the *Stack* system, the user must select a title. Then, upon receiving this user input, the *Stack* system conducts a second search to identify any possible recommendations. *See also, Stack* Figures 3C-3E. Accordingly, the cited references to not teach or suggest at least the element of "without further user input, querying the plurality of databases using a second query created based upon the second level search vectors."

In view of the above, Applicant respectfully submits that this response complies with 37 C.F.R. § 1.116. Applicant further submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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